

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Wisconsin Resources Protection
Council, Center for Biological
Diversity, and Laura Gauger,

Plaintiffs,

v.

Case No. 11-cv-45-bbc

Flambeau Mining Company,

Defendant.

**PLAINTIFFS' OBJECTIONS TO DEFENDANT'S
REVISED SCHEDULE OF TRIAL EXHIBITS**

Plaintiffs, by their undersigned counsel, submit their Objections to Defendant's Revised Schedule of Trial Exhibits in accordance with the Court's Preliminary Pretrial Conference Order dated April 7, 2011 (Dkt. #12) and the Court's Order in Non-Jury Cases as follows:

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
500	3	WRPC 000009	Map – “DNR Surface Water Sampling Sites”	X		
501	4	WRPC 000006- WRPC 000007	Surface Water Sample Lab Results	X		
502	5	WRPC 000012	Flambeau Mine Stream C and reference stream Fish Survey Data	X		
503	6	WRPC 000010	Flambeau Mine Stream Macroinvertebrates and Indices	X		
504	7	WRPC 000011- WRPC 000017	Jeffrey Dimick Macroinvertebrate Sampling and Analysis: Mine Site 303(d) Project	X		
505	8	WRPC 000018	Photo along Highway 27 (West side ditch): Sampling Site C8-2	X		
506	9	WRPC 000019	Photo along Highway 27 (East side ditch): Sampling Site ED-14	X		
507	10	WRPC 000020	Photo of rail spur drainage area: Site MC3-3	X		
508	11	WRPC 000021	Photo of Stream C below Copper Park Lane: Sampling Site C1-5	X		
509	12	WRPC 000022	Photo of Stream C, pool #1	X		
510	13	WRPC 000023	Photo of another Stream C pool	X		
511	14	WRPC 000024	Photo of a third Stream C pool	X		
512	15		Lynch Affidavit dated April 26, 2011	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
513	17	WRPC 000316	Drawing: Proposed Project Facilities	X		FRE 801/802 (Hearsay)
514	18	WRPC 000224- WRPC 000251	WPDES Permit WI-00047376-2	X		FRE 402 (Relevance)
515	19	WRPC 000252- WRPC 000254	FMC January 8, 1998 Modification request letter	X		FRE 402 (Relevance)
516	20	WRPC 000255- WRPC 000256	Lynch 3/20/98 Letter to Jana Murphy	X		FRE 402 (Relevance)
517	21	WRPC 000257- WRPC 000260	DNR July 30, 1998 Mining Permit Modification	X		FRE 402 (Relevance)
518	22	WRPC 000261	Lynch 9/8/98 Letter to Jana Murphy	X		FRE 402 (Relevance)
519	23	WRPC 000262- WRPC 000263	DNR Close-out of WPDES Permit #WI-00047376-2 issued 3/29/96	X		FRE 402 (Relevance)
520	28		Fauble Affidavit	X		FRE 801/802 (Hearsay)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
521	30	FMC016918	Map of Ladysmith Area showing Flambeau property lines	X		
522	33	FMC000871	Email from L. Lynch to Jana Murphy dated March 13, 2001 forwarding K. Markart's comments on Flambeau's 2000 Annual Report	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
523	36	FMC001719-FMC001721	Memo to Jana Murphy from Marten Cieslik & Steve Donohue, Foth & Van Dyke	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
524	37	FMC002418-FMC002421	Stipulation and Order In The Matter of the Application of Flambeau Mining Company for Issuance of a Certificate of Completion of Reclamation	X		
525	55	FMC002770	Biofilter Monitoring Locations, Flambeau Mine	X		
526	56	FMC002557	Aerial map of Flambeau Mining Company	X		FRE 801/802 (Hearsay)
527	57	FMC018205-FMC018207	2000-2003 Surface Water Monitoring Results	X		
528	58	FMC016561-FMC016562	Testing Results	X		
529	59	FMC000823-FMC000842	Surface Water Monitoring Data	X		
530	60	FMC013504	Hand drawn sketch of site	X		
531	70	FMC 034762	Photograph	X		FRE 402 (Relevance)
532	71		Handwritten document – “Proposed Reclamation Plan Modifications” (Informational meeting attendance list.)	X		FRE 402 (Relevance)
533	77	WRPC000531	Letter to Tom Portle from Laura Furtman	X		FRE 402 (Relevance) FRE 602 (Foundation)
534	78	WRPC000835	Letter to Larry Lynch from Laura Furtman noted sent 12/10/03	X		
535	79	WRPC 000557	Letter to Laura Furtman from Larry Lynch [2003 ORR response]	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
536	80	FMC020604-FMC020612	Letter to Larry Lynch from Jana Murphy [2003, contains baseline monitoring]	X		
537	82	WRPC 000548-WRPC 000549	Letter to Larry Lynch from Laura Furtman sent 12/22/03	X		

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
538	89	WRPC 002833-WRPC 02843	Letter to Larry Lynch from Jana Murphy [2004 monitoring plan for Stream C]	X		
539	90	WRPC 000535	Letter to Larry Lynch from Laura Furtman [2004 ORR]	X		FRE 402 (Relevance)
540	93	WRPC000436-WRPC 000438	Letter to James Schendler from Atty. Charles Hammer, DNR	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
541	95	WRPC 002255	Letter to Larry Lynch from Laura Furtman sent 3/22/05 [ORR]	X		FRE 402 (Relevance)
542	96	WRPC 000256-WRPC 000257	Letter to Laura Furtman from Larry Lynch	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
543	97	WRPC 000508-WRPC 000510	Letter to Larry Lynch from Laura Furtman	X		FRE 402 (Relevance)
544	98	WRPC 000537-WRPC 000538	Letter to Laura Furtman from Larry Lynch	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
545	99	WRPC 003041-WRPC 003042	Letter to Larry Lynch from Laura Furtman	X		FRE 402 (Relevance)
546	100	WRPC 003043-WRPC 003044	Letter to Laura Furtman from Larry Lynch	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
547	101	WRPC003045	Letter to Larry Lynch from Laura Furtman	X		FRE 402 (Relevance)
548	108	WRPC 001690-WRPC 001692	Email to Laura Furtman from Lori Andresen	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection	
549	112	WRPC001139-40; 1142-43; 1140; 1154; 1170; 1172; 1174; 1182; 1184; 1186; 1191-92; 1195-96; 1198; 1210; 1250; 1260-64; 1266-70; 1275-76; 1280; 1286; 1289; 1301-02; 1312-13; 1329; 1331; 1334; 1339; 1348; 1334; 1339; 1348; 1357; 1397; 1403; 1406; 1419	Photographs		X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
550	113		Photograph with marked locations of other photographs	X		FRE 402 (Relevance) FRE 403 (Cumulative) FRE 602 (Foundation) FRE 801/802 (Hearsay) FRE 901 (Authenticity)	
551	118	FMC 040481-FMC 040487	Foth October 14, 2008 letter to DNR	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 901 (Authenticity)	
552	119		Foth Fig. 5, November, 2011	X			
553	120		Photo: Pre-Mining	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 901 (Authenticity)	
554	121		"Photo" – Foth Figure 8, November, 2011	X			

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
555	122		"Photo" – Foth Figure 10, November, 2011	X		
556	125		Foth Figure 2-1, Existing Site Conditions, May 2011	X		
557	127	WRPC 016370	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation)
558	128	WRPC 016371	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation)
559	129	WRPC 016375	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation)
560	135	WRPC 015499- WRPC 015506	Landscape design and planting plan	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
561	138	FMC 001532	Foth Figure 1-“Soil Boring Locations and Concentrations”	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
562	140	WRPC 015320	Foth Figure 2-2-“Grading Plans and Vegetation Cover Areas” (from Exhibit 32).	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
563	141	WRPC 015322	Foth Figure 2-4-“Post Construction Drainage Basins” (from Exhibit 32).	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
564	142	WRPC 015352	Foth Figure 1-“Proposed East Copper Infiltration Basin Cross Section – Looking North” (from Exhibit 32). Looking North (from Exhibit 32).	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
565	143	WRPC 015356	Foth “Photographic Log” (2 photos) (from Exhibit 32).	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
566	144	FMC 002506- FMC 002535	Foth letter: “Draft 2008 Monitoring Results and Copper Park Lane Work Plan”	X		FRE 402 (Relevance) FRE 901 (Authenticity)
567	150		AES Figure: FMC Site	X		FRE 602 (Foundation)
568	152		AES documents	X		FRE 402 (Relevance) FRE 403 (Cumulative) FRE 602 (Foundation) FRE 801/802 (Hearsay) FRE 901 (Authenticity)
569	162	AES 000296- AES 000298	AES memo “RE: Cross Sections and Design Details”	X		FRE 602 (Foundation) FRE 801/802 (Hearsay)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
570	164		Expert Witness Report of Betsey Day plus Attachments, 11/7/2011	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 801/802 (Hearsay)
571	166		EPA/USACOE "Draft Field Staff/Guidance on Identifying Waters Protected by the Clean Water Act"	X		FRE 602 (Foundation) FRE 801/802 (Hearsay)
572	168	FMC 009580-FMC 009596	FMC letter to L. Lynch enclosing Foth 10/10/05 Analysis of Collected Data for Stream C (2005)	X		
5732	170		Pages 12-14 of Ms. Betsey Day Expert Witness Report, 11/7/2011	X		FRE 801/802 (Hearsay)
574	171		USACOE Approved Jurisdictional Determination Form (checklist)	X		
575	172		Navigable Waters of the United States within the State of Wisconsin	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
576	173		Rusk Co. Geographic web server photos – "Stream C locations"; B. Day Photographs	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
577	174		11/07/11 Expert Witness Report of Stephen V. Donohue, plus attachments	X		FRE 801/802 (Hearsay) (Excluding attachments)
578	175		03/28/11 Expert Witness Report of Stephen V. Donohue, plus attachments	X		FRE 801/802 (Hearsay) (Excluding attachments)
579	186		Bannerman memo to Roesler re: highway and parking lot CU and Zn levels, 2/26/2010	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation)
580	Wilson 14		Letter to Larry Lynch from Jana Murphy regarding issues on the reclamation plan	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation)
581	Wilson 17		Letter to Tom Wilson from Larry Lynch regarding proposed modifications	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
582		WRPC014044	12/30/03 email from Laura Furtman to John regarding biofilter copper	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 801/802 (Hearsay)
583		WRPC 000338-WRPC 000343	Furtman Testimony - May, 2007 regarding biofilter and Stream C	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 801/802 (Hearsay)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
584			Summary of Remedial Action - Phil Fauble - August, 1998- November 11, 2011	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 901 (Authenticity)
585		WRPC 016845	1/13/12 email from Laura Gogert to Tom Wilson "royal asshole" Williams	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 901 (Authenticity)
586			Book called "The Buzzards Have Landed"	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
587			Dr. Anne Fairbrother Expert Witness Report and Attachments 11/07/11	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
588			Dr. G. Allen Burton Expert Witness Report with Attachments 11/07/11	X		FRE 402 (Relevance) FRE 801/802 (Hearsay)
589		FMC 043632	Reclamation costs - 12/31/99	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
590		FMC 043646	Reclamation costs - 12/31/00	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
591		FMC 043661	Reclamation costs - 12/31/01	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
592		FMC 043676	Reclamation costs - 12/31/02	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
593		FMC 043691	Reclamation costs - 12/31/03	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
594		FMC 043703	Reclamation costs - 12/31/04	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
595		FMC 043729	Reclamation costs - 12/31/05	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
596		FMC 043754	Reclamation costs - 12/31/06	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
597		FMC 043778	Reclamation costs - 12/31/07	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
598		FMC 043798	Reclamation costs - 12/31/08	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)
599		FMC 043816	Reclamation costs - 12/31/09	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation) FRE 403 (Cumulative)

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600		WRPC 001141	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
601		WRPC 001156	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
602		WRPC 001151	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
603		WRPC 001157	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
604		WRPC 001160	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
605		WRPC 001169	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
606		WRPC 001173	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
607		WRPC 001174	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
608		WRPC 001258	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
609		WRPC 001271	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
610		WRPC 001272	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
611		WRPC 001273	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
612		WRPC 001274	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
613		WRPC 001275	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
614		WRPC 001276	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
615		WRPC 001277	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
616		WRPC 001279	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
617		WRPC 001280	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
618		WRPC 001282	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
619		WRPC 001294	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
620		WRPC 001303	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
621		WRPC 001306	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
622		WRPC 001307	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
623		WRPC 001308	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
624		WRPC 001310	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
625		WRPC 001311	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
626		WRPC 001378	Photograph	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative)
627			1970 Photograph (black and white) BRZ - 1LL-13	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)
628			Infiltration Basin Photos	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
629			Betsey Day Expert Witness Report and Attachments, 11/7/2011	X		FRE 801/802 (Hearsay) (Listed twice)
630			Betsey Day videotape of deposition and transcript with exhibits from 4/18/2012 Evidentiary Deposition	X		FRE 801/802 (Hearsay) Additional objections noted on Plaintiffs' Objections to Defendant's Trial Designation of the Deposition of Elisabeth A. Day, filed separately
631			FMC Annual Reports 1996 - present	X		FRE 402 (Relevance) FRE 403 (Cumulative) FRE 602 (Foundation) FRE 801/802 (Hearsay)
632			FMC Annual Reclamation Reports 1996- present	X		FRE 402 (Relevance) FRE 403 (Cumulative) FRE 602 (Foundation) FRE 801/802 (Hearsay)
633			Photo, aerial, pre-mining	X		FRE 402 (Relevance) FRE 602 (Foundation)
634			Photo during mining	X		FRE 402 (Relevance) FRE 602 (Foundation)
635			Photo after reclamation	X		FRE 602 (Foundation)
636			Photos: eye level of the reclaimed mine site including visitors, wildlife, flowers, trees, wetlands, etc.	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
637			Photos: Flambeau Riders	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)
638			Photos: Industrial Outlot buildings	X		FRE 602 (Foundation) FRE 403 (Cumulative) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)
639			Photos: former Biofilter	X		FRE 602 (Foundation) FRE 403 (Cumulative) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)
640			Photos: wildlife (frogs etc) in former Biofilter	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 403 (Cumulative) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)
641			Photos: wetland east of former Biofilter	X		FRE 602 (Foundation) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)
642			Ladysmith request(s) to retain area as Industrial Outlot (Cline 11/21/11 Declaration, Exs. A, B and C-Dkt 61)	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 801/802 (Hearsay)
643			WPDES Permit as reissued March 29, 1996	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 901 (Authenticity) FRE 801/802 (Hearsay)
644		WPRC 016572-78, in part	The infiltration pond permit(s) and approvals. (Chapter 30.19 and 30.19(4) Permit; Philip Fauble 9/23/11 approval of work plan; coverage under WI General Permit for Wetlands (USCOE) (General Permit- Preliminary Jurisdictional Determination)	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 801/802 (Hearsay)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
645			Photo referred to in Defendant's PAFOF ¶401, Hutchison Opp. Dec. p. 2, ¶8, Ex. B.	X		FRE 602 (Foundation) FRE 901 (Authenticity) FRE 801/802 (Hearsay)
646			Peerenboom (DNR) 9/21/01 Memo "Copper Concentration in Northern Region Public Water Supplies (PWs)"	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 801/802 (Hearsay) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)
647			USGS Map of Mine and surrounding area	X		FRE 602 Foundation) FRE 901 (Authenticity) FCRP 37(c) (Undisclosed)
648			Bottle of multivitamins	X		FRE 402 (Relevance) FRE 702 (Improper expert opinion) FRE 602 (Foundation) FRE 801/802 (Hearsay) FCRP 37(c) (Undisclosed)
649			DNR Tier 2 General Permit for storm water associated with industrial activity, November 29, 1994, WI - 505678507-1 (Bertolacini Aff., Ex. C)	X		FRE 402 (Relevance) FRE 602 (Foundation)
650			All Plaintiffs' Responses to Defendant's Requests for Admission	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 801/802 (Hearsay)
651			FMC Figure 1, Biofilter Sediment Monitoring Results through September 2005, October 2005, prepared by Foth & Van Dyke	X		FRE 402 (Relevance) FRE 602 (Foundation) FRE 801/802 (Hearsay)
652			Deposition Transcript of Mr. Harold Flater and Exhibits		X	FRE 402 (Relevance) FRE 602 (Foundation) FRE 801/802 (Hearsay)
653			Declaration of Mr. Harold Flater		X	FRE 402 (Relevance) FRE 801/802 (Hearsay)

FMC Trial Ex. No.	Dep. Ex. No.	Bates Range	Description	Expect to Offer	May Offer	Plaintiffs' Objection
654			Any Exhibits identified by Plaintiffs		X	FRE 801/802 (Hearsay)
655			Stream C, trib to Flambeau River-7215137, and Map. Found at: http://dnr.wi.gov/water/impairedSearch.aspx	X		FRE 602 (Foundation) FRE 801/802 (Hearsay)
656			Appendix A -Public Data submittals, Found at: http://dnr.wi.gov/org/water/condition/impaired/appendix_a.pdf	X		FRE 602 (Foundation) FRE 801/802 (Hearsay)
657			Unnamed, Lower Flambeau River Watershed (UC07); Stream C, trib to Flambeau River (7215137). Found at: http://dnr.wi.gov/water/water/Detail.aspx?key=3924686 .	X		FRE 602 (Foundation) FRE 801/802 (Hearsay)
658			January 26, 2010 letter from Glenn Stoddard to Thomas Dawson	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation)
659			December 30, 2010 letter from Hank Handzel to James Saul, Esq., Daniel Mensher, Esq. and Marc Fink, Esq.	X		FRE 402 (Relevance) FRE 801/802 (Hearsay) FRE 602 (Foundation)

Respectfully submitted this 15th day of May, 2012.

/s/ Pamela R. McGillivray

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